

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ENERTRODE, INC.,

Plaintiff,

v.

GENERAL CAPACITOR CO. LTD, et al.,

Defendants.

Case No. 16-cv-02458-HSG

VERDICT FORM

Trial Date: November 13, 2018

Ctrm: Courtroom 2 — 4th Floor

WE, THE JURY IN THE ABOVE-ENTITLED ACTION, unanimously find the following on the questions submitted to us:

CLAIMS OF LINDA ZHONG AND/OR ENERTRODE, INC.

I. BREACH OF CONTRACT

ENERTRODE, INC. v. GENERAL CAPACITOR INTERNATIONAL, INC.,
GENERAL CAPACITOR CO. LTD.

1. Is General Capacitor International, Inc. or General Capacitor Co. Ltd. liable for breaching the Technology License and Service Agreement?

As to GENERAL CAPACITOR INTERNATIONAL, INC.: Yes No
As to GENERAL CAPACITOR CO. LTD.: Yes No

If your answer to Question 1 is “Yes” as to either or both defendants, **please answer Question 2.**

If you answered “No” for both defendants, **go to II. Inducing Breach of Contract – ENERTRODE, INC. v. ZHENG, GENERAL CAPACITOR LLC**, Question 1.

2. What are the damages to Enertrode, Inc.?

\$ _____

II. INDUCING BREACH OF CONTRACT
ENERTRODE, INC. v. ZHENG, GENERAL CAPACITOR LLC

1. Is Jianping “Jim” Zheng or General Capacitor LLC liable for inducing the breach of the Technology License and Service Agreement?

As to JIANPING “JIM” ZHENG:	Yes	No
As to GENERAL CAPACITOR LLC:	Yes	No

If your answer to Question 1 is “Yes” as to either or both defendants, **then answer Question 2.**

If you answered “No” to both defendants, **go to III. BREACH OF CONTRACT – ZHONG v. GENERAL CAPACITOR INTERNATIONAL, INC., GENERAL CAPACITOR CO. LTD.**, Question 1.

2. What are the damages to Eneretrode, Inc.?

\$ _____

III. BREACH OF CONTRACT

ZHONG v. GENERAL CAPACITOR INTERNATIONAL, INC., GENERAL CAPACITOR CO. LTD.

- 1. Is General Capacitor International, Inc. or General Capacitor Co. Ltd. liable for breach of the Linda Zhong employment contract?**

As to GENERAL CAPACITOR INTERNATIONAL, INC.: Yes No
As to GENERAL CAPACITOR CO. LTD.: Yes No

If your answer to Question 1 is “Yes” as to either or both defendants, **then answer Question 2.**

If you answered “No” as to both defendants, **go to IV. MISAPPROPRIATION OF TRADE SECRETS, Question 1.**

- 2. What are the damages to Linda Zhong?**

\$ _____

IV. MISAPPROPRIATION OF TRADE SECRETS

ZHONG, ENERTRODE, INC. v. GENERAL CAPACITOR INTERNATIONAL, INC.,
GENERAL CAPACITOR CO. LTD, GENERAL CAPACITOR LLC, ZHENG, CAO

1. Was Linda Zhong and/or Enertrode, Inc. the owner/licensee of the Li Foil Idea?

As to LINDA ZHONG: Yes No

As to ENERTRODE, INC.: Yes No

If your answer to Question 1 is “Yes” as to either or both parties, **then answer Question**

**2. If you answered “No” as to both defendants, stop and go to General Capacitor
Claims, I, Breach of Contract.**

2. Are defendants liable for misappropriation of trade secrets?

As to GENERAL CAPACITOR INTERNATIONAL, INC.: Yes No

As to GENERAL CAPACITOR CO. LTD.: Yes No

As to GENERAL CAPACITOR LLC: Yes No

As to JIANGPING “JIM” ZHENG: Yes No

As to WANJUN “BEN” CAO: Yes No

If your answer to Question 2 is “Yes” for at least one defendant, **then answer Question**

**3. If you answered “No” to ALL defendants listed in Question 2, stop and go to
General Capacitor Claims, I, Breach of Contract.**

3. What are Linda Zhong and/or Enertrode, Inc.’s damages?

\$ _____

If you found damages in Question 3, **go to Question 4**. If you found no damages, **stop
and go to General Capacitor Claims, I, Breach of Contract.**

4. Did Defendants act willfully and maliciously in misappropriating trade secrets?

As to GENERAL CAPACITOR INTERNATIONAL, INC.: Yes No

As to GENERAL CAPACITOR CO. LTD.: Yes No

As to GENERAL CAPACITOR LLC: Yes No

As to JIANGPING “JIM” ZHENG: Yes No

As to WANJUN “BEN” CAO: Yes No

CLAIMS OF GENERAL CAPACITOR

I. BREACH OF EMPLOYMENT CONTRACT

GENERAL CAPACITOR CO. LTD., GENERAL CAPACITOR INTERNATIONAL, INC. v.
ZHONG

- 1. Is Zhong liable to General Capacitor Co. Ltd. for breach of her employment contract?**

Yes No

Go to Question 2.

- 2. Is Zhong liable to General Capacitor International, Inc. for breach of her employment contract?**

Yes No

If your answer to question 1 or 2 is **yes**, then answer questions 3.

If you answered no to questions 1 and 2, **go to II. Fraud in the Inducement**, question 1.

- 3. What are the damages?**

\$ _____

II. FRAUD IN THE INDUCEMENT

GENERAL CAPACITOR CO. LTD., GENERAL CAPACITOR INTERNATIONAL, INC. v.
ZHONG, ENERTRODE, INC.

1. Is Zhong liable to General Capacitor Co. Ltd. for fraud in the inducement?

Yes No

2. Is Zhong liable to General Capacitor International, Inc. for fraud in the inducement?

Yes No

3. Is Enertrode, Inc. liable to General Capacitor Co. Ltd. for fraud in the inducement?

Yes No

4. Is Enertrode, Inc. liable to General Capacitor International, Inc. for fraud in the inducement?

Yes No

If your answer to question 1, 2, 3, or 4 is yes, then answer question 5.

If you answered no to each of 1, 2, 3, and 4 then go to III. Breach of Fiduciary Duty, question 1.

5. What are the damages as to Zhong?

\$ _____

6. What are the damages as to Enertrode, Inc.?

\$ _____

7. Did Zhong act willfully, wantonly or with reckless disregard of the rights of General Capacitor Co. Ltd. or General Capacitor International, Inc.?

Yes No

If you answered yes to question 7, then answer question 8;

If you answered no, go to III. Breach of Fiduciary Duty, question 1.

8. What is the amount of punitive damages that you award against Zhong?

\$ _____

9. Did Eneretrode, Inc. act willfully, wantonly or with reckless disregard of the rights of General Capacitor Co. Ltd., or General Capacitor International, Inc.?

Yes No

If you answered yes to question 9, **then answer question 10;**
If you answered **no**, **go to III. Breach of Fiduciary Duty**, question 1.

10. What is the amount of punitive damages that you award against Eneretrode, Inc.?

\$ _____

III. BREACH OF FIDUCIARY DUTY
GENERAL CAPACITOR CO. LTD, GENERAL CAPACITOR INTERNATIONAL, INC.,
GENERAL CAPACITOR LLC v. ZHONG

1. Is Zhong liable to General Capacitor Co. Ltd. for breach of fiduciary duty?

Yes No

2. Is Zhong liable to General Capacitor International, Inc. for breach of fiduciary duty?

Yes No

3. Is Zhong liable to General Capacitor LLC for breach of fiduciary duty?

Yes No

If your answer to question 1, 2 or 3 is **yes**, then answer question 4.

If your answers to question 1, 2 and 3 are all **no**, then go to IV Tortious Interference, question 1.

4. What are the damages you award against Zhong?

\$ _____

If you answered **yes to 1, 2 or 3, and you awarded damages**, then go to Question 5.

5. Did Zhong act willfully, wantonly or with reckless disregard of the rights of General Capacitor Co. Ltd., General Capacitor International, Inc., or General Capacitor LLC?

Yes No

If your answer to question 5 is **yes**, then answer question 6.

6. What is the amount of punitive damages that you award against Zhong?

\$ _____

IV. TORTIOUS INTERFERENCE

GENERAL CAPACITOR CO. LTD., GENERAL CAPACITOR INTERNATIONAL, INC.,
GENERAL CAPACITOR LLC v. ZHONG, ENERTRODE, INC.

1. Is Zhong liable for tortious interference with contractual relations?

Yes No

2. Is Zhong liable for tortious interference with prospective economic relations?

Yes No

3. Is Enertrode, Inc. liable for tortious interference with contractual relations?

Yes No

4. Is Enertrode, Inc. liable for tortious interference with prospective economic relations?

Yes No

If your answer to any of each of questions 1, 2, 3 or 4 is **yes**, then answer question 5.
If you answered **no** to all of questions 1, 2, 3 and 4, go to V. Misappropriation of Trade Secrets, question 1.

5. What are the damages of General Capacitor Co. Ltd., General Capacitor, International, Inc. or General Capacitor LLC?

\$ _____

6. Did Zhong act willfully, wantonly or with reckless disregard of the rights of General Capacitor Co. Ltd., General Capacitor International, Inc. or General Capacitor LLC?

Yes No

If your answer to question 6 is **yes**, then answer question 7.

If you answered **no**, go to V. Misappropriation of Trade Secrets, question 1.

7. What is the amount of punitive damages that you award against Zhong?

\$ _____

8. **Did Eneretrode, Inc. act willfully, wantonly or with reckless disregard of the rights of General Capacitor Co. Ltd., General Capacitor International, Inc. or General Capacitor LLC?**

Yes No

If your answer to question 8 is yes, then answer question 9.

If you answered no, go to V. Misappropriation of Trade Secrets, question 1.

9. **What is the amount of punitive damages that you award against Eneretrode, Inc.?**

\$ _____

V. MISAPPROPRIATION OF TRADE SECRETS
GENERAL CAPACITOR LLC, GENERAL CAPACITOR INTERNATIONAL, INC. v.
ZHONG, ENERTRODE, INC.

1. Is Zhong liable to General Capacitor LLC for misappropriation of trade secrets?

Yes No

2. Is Zhong liable to General Capacitor International, Inc. for misappropriation of trade secrets?

Yes No

3. Is Enertrode, Inc. liable to General Capacitor LLC for misappropriation of trade secrets?

Yes No

4. Is Enertrode, Inc. liable to General Capacitor International, Inc. for misappropriation of trade secrets?

Yes No

If your answer to questions 1, 2, 3 or 4 is **yes**, then answer question 5.

If you answered **no** to each of questions 1, 2, 3 and 4, go to VI. Civil Theft, question 1.

5. What are the damages?

\$ _____

If you found damages, then go to question 6.

6. Did Zhong act willfully and maliciously in misappropriating trade secrets?

Yes No

7. Did Enertrode, Inc. act willfully and maliciously in misappropriating trade secrets?

Yes No

VI. CIVIL THEFT

GENERAL CAPACITOR LLC, GENERAL CAPACITOR INTERNATIONAL, INC. v.
ZHONG AND ENERTRODE, INC.

1. Is Zhong liable for civil theft as to General Capacitor LLC?

Yes No

2. Is Zhong liable for civil theft as to General Capacitor International, Inc.?

Yes No

3. Is Enertrode, Inc. liable for civil theft as to General Capacitor LLC?

Yes No

4. Is Enertrode, Inc. liable for civil theft as to General Capacitor International, Inc.?

Yes No

If your answer to question 1, 2, 3 or 4 is **yes**, then answer question 5.

If you answered **no** to all of 1, 2, 3 and 4, go to VII. Computer Abuse and Data Recovery Act, question 1.

5. What are the damages?

\$ _____

VII. COMPUTER ABUSE AND DATA RECOVERY ACT
GENERAL CAPACITOR CO. LTD., GENERAL CAPACITOR LLC, GENERAL
CAPACITOR INTERNATIONA, INC. v. ZHONG, ENERTRODE, INC.

- 1. Is Zhong liable for violating the Computer Abuse and Data Recovery Act?**
 Yes No
- 2. Is Enertrode, Inc. liable for violating the Computer Abuse and Data Recovery Act?**
 Yes No

If your answer to question 1 or 2 is yes, then answer question 3.
If you answered no to both 1 and 2, go to **VIII. Breach of TLSA Contract**, question 1.

- 3. What are the damages to General Capacitor Co. Ltd., General Capacitor LLC, and General Capacitor International, Inc.?**
\$ _____

VIII. BREACH OF TLSA CONTRACT
GENERAL CAPACITOR INTERNATIONAL, INC., GENERAL CAPACITOR CO. LTD v.
ENERTRODE, INC.

1. Is Enertrode, Inc. liable for breach of the TLSA contract as to General Capacitor International, Inc.?

Yes No

2. Is Enertrode, Inc. liable for breach of the TLSA contract as to General Capacitor Co. Ltd.?

Yes No

If your answer to question 1 or 2 is **yes**, then answer question 3.

If you answered **no**, go to the bottom of the page and sign the verdict form.

3. What are the damages?

\$ _____

When this Special Verdict Form is completed, the jury foreperson shall sign and date the form below:

(Signature of jury foreperson)

(Date form completed)